

II. REMARKS

A. Introduction

In this Office Action claims 1-7 are noted as pending and are rejected.

In summary of this Response, claims 1-7 are amended, new claims 8-9 are added and remarks are provided.

Support for new claims 8 and 9 can be found, e.g., at page 2, line 19 through page 3, line 11, page 9, lines 10-22, page 10, lines 9-26, FIGS. 3, 5 and 6, and original claims 3 and 5.

B. Rejection of Claims 3-7 Under 35 U.S.C. § 112, Second Paragraph

These claims are rejected as being indefinite.

These claims are amended herein, where necessary, to better define the invention.

More particularly, claims 3-7 are amended to more clearly describe the structure of the four section link, as well as the toy components arranged therewith. Support is found, e.g., at page 2, line 19 through page 3, line 11, page 9, lines 10-22, page 10, lines 9-26, and in FIG. 3, 5, and 6 of the present application as filed.

C. Rejection of Claims 1-7 Under 35 U.S.C. §102/103

These claims have been rejected as being anticipated or rendered obvious by Koguchi et al., U.S. Patent No. 4,913,676.

In response thereto, it is respectfully submitted that the present invention, as recited by claims 1-9, was neither anticipated nor rendered obvious by the cited prior art for the following reasons.

The robot toy according to claim 1 has a control unit formed by a movable leg of the robot toy, a form of the robot toy is changed by moving the control unit, and a different operation is performed before and after this form change.

In contrast, Koguchi et al. discloses a moving parrot toy that simultaneously conducts body pivot, neck turning, and beak opening and closing operations (see, e.g., Col. 2, line 33 - Col. 3, line 2; and Col. 8, line 1 - Col. 9, line 31). The Examiner assumes that the "body pivot" corresponds to the "form change" of the present invention. However, Koguchi et al. does not disclose or suggest any operation performed by the toy before and after the form change. That is, in the present invention, changing the form of the toy, by moving the leg "control unit", initiates the toy to perform a different operation.

In ~~Koguchi~~Koguchi et al. et al., manually moving the tail 6 does nothing. Instead, the tail 6 is moved merely to gain access to a main switch 19 that energizes the motor to move the beak, wings. In one embodiment, only after subsequent voice activation, can the motor cause these movements. The legs 7 of Koguchi et al. are simply fixed to the perch, they don't move, and they therefore can't change the form of the toy robot. See, e.g., Col. 2, lines 17-20 and 32-34, Col. 3, lines 36-42 and 60-62, Col. 7, lines 35-45, and Col. 9, lines 32-37.

By having the control unit be the leg of the robot toy, the child's interest is heightened relative to a conventional switch. When the child changes the form of the toy into a bent forward posture, certain operations can be performed, so the child feels more like he/she is creating the operations. No art is cited for supporting the Examiner's conclusion that it would have been obvious to use the leg as the central unit and, as noted above, Koguchi et al. lacks any such suggestions (the tail and legs of Koguchi et al. do not and cannot serve as a central unit).

Similarly, independent claims 5 and 9 recite the operation of the first and second toy parts before or after the toy changes form. Koguchi et al., as noted above, does not provide an operation before or after a form change.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-9 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

8/9/06

By: _____

William F. Herbert
Registration No. 31,024

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501